

**ACT**

of .....

**on climate protection <sup>1) 2)</sup>**

In order to ensure:

- 1) that present and future generations are provided with the ecological safety guaranteed by the Constitution;
- 2) that public authorities carry out their constitutional duty to take care of environmental protection;
- 3) that the Republic of Poland fulfils its international obligations and contributes to the achievement of the climate protection goals of the European Union;

it is stipulated as follows:

**Chapter 1**

**General provisions**

**Article 1.** The Act specifies:

- 1) the rights and obligations related to climate protection;
- 2) climate protection principles, including actions for achieving the climate goal and climate change adaptation;

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<sup>1)</sup> The following Acts are amended by this Act: the Act of 17 November 1964 – Code of Civil Procedure, the Act of 31 July 1981 on the remuneration of persons holding state managerial positions, the Act of 16 September 1982 on employees of state offices, the Act of 15 July 1987 on the Human Rights Defender, the Act of 8 March 1990 on local government in communes, the Act of 5 June 1998 on voivodeship local government, the Act of 5 June 1998 on powiat local government, the Act of 27 April 2001 – Environmental Protection Law, the Act of 30 August 2002 – Law on Proceedings before Administrative Courts, the Act of 27 March 2003 on spatial planning and development, the Act of 3 October 2008 on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments, the Act of 23 January 2009 on the voivodeship governor and government administration in the voivodeship, the Act of 17 July 2009 on the management system of emissions of greenhouse gases and other substances, the Act of 27 August 2009 on public finance, the Act of 30 November 2016 on the organisation of the Constitutional Court and the form of proceedings before the Constitutional Court, and the Act of 8 December 2017 on the Supreme Court.

<sup>2)</sup> The purpose of this Act is to apply Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (European Climate Law) (EU OJ L. of 2021. No. 243, p. 1).

- 3) the structure, tasks and powers of the Climate Protection Council;
- 4) obligations in the area of collecting, sharing and disseminating information on climate protection and climate change adaptation.

**Article 2.** 1. The terms used in the Act have the following meaning:

- 1) climate change adaptation – adapting to actual and expected climate change and its effects;
- 2) climate goal – achieving climate neutrality and reducing greenhouse gas emissions on the principles set forth in Article 4;
- 3) actions to protect climate – actions to achieve the climate goal and climate change adaptation;
- 4) emission – greenhouse gases or other substances introduced directly or indirectly into the air as a result of human activity, as defined in the Act on system;
- 5) net greenhouse gas emission – greenhouse gas emission after making deductions related to the absorption of these emissions;
- 6) European Climate Law – Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (European Climate Law) (EU OJ L. of 2021. No. 243, p. 1);
- 7) greenhouse gases – the greenhouse gases referred to in Appendix 1 to the Act on the system;
- 8) National Emission Budget – the national emission budget referred to in the Act on the system;
- 9) National Centre – the National Centre of Emission Balancing and Management referred to in the Act on the system;
- 10) National Adaptation Plan - the National Adaptation Plan referred to in Article 13, section 2 of the Act;
- 11) National Emission Reduction Plan - the National Emission Reduction Plan referred to in the Act on the system;
- 12) National Greenhouse Gas Emission Reduction Programme - the National Greenhouse Gas Emission Reduction Programme referred to in the Act on the system;

- 13) National Air Pollution Reduction Programme - the National Air Pollution Reduction Programme referred to in the Act on the system;
- 14) national emission ceiling – the national emission ceiling specified in the National Emission Budget;
- 15) adverse effects of climate change – the adverse effects of climate change referred to in the United Nations Framework Convention on Climate Change, drawn up in New York on 9 May 1992 (Journal of Laws of 1996, No. 53, item 238);
- 16) climate neutrality – the equilibrium of greenhouse gas emissions and absorption;
- 17) environmental impact – the environmental impact referred to in the Act of 27 April 2001 Environmental Protection Law (Journal of Laws of 2022, items 2556 and 2687);
- 18) sectoral emission budget – the sectoral emission budget referred to in the Act on the system;
- 19) sectoral emission reduction plan - the sectoral emission reduction plan referred to in the Act on the system;
- 20) environment – the totality of natural elements, including those transformed as a result of human activity, in particular the land surface, minerals, water, air, landscape, climate and other elements of biodiversity, as well as the interaction between these elements;
- 21) territory of the Republic of Poland – the territory of the Polish state delimited by the state border in the meaning of the provisions on the protection of state borders;
- 22) Act of 3 October 2008 on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments (Journal of Laws of 2022, items 1029, 1260, 1261, 1783, 1846, 2687, 2185 and of 2023, item 595);
- 23) Act on the system – the Act of 17 July 2009 on the management system of emissions of greenhouse gases and other substances (Journal of Laws of 2021, item 1047 and of 2022, item 673);
- 24) climate change – the climate change referred to in the United Nations Framework Convention on Climate Change, drawn up in New York on 9 May 1992 (Journal of Laws of 1996, No. 53, item 238).

## Chapter 2

### **Right to live in a climate-safe environment and climate goal**

**Article 3.** 1. Everyone has the right to live in an environment free from actions or omissions unlawfully causing or contributing to the adverse effects of climate change, or threatening to cause or contribute to the adverse effects of climate change, and to live in an environment free from the effects of such actions or omissions (the right to live in a climate-safe environment).

2. The right to live in a climate-safe environment includes the right to be protected from the adverse effects of climate change, as well as the right to demand that public authorities perform their climate protection obligations and cease actions or omissions that unlawfully cause or contribute to the adverse effects of climate change, or threaten to cause or contribute to the adverse effects of climate change.

3. Everyone shall respect and protect the climate by performing their obligations under the law related to the climate goal and climate change adaptation, and to refrain from actions or omissions that unlawfully cause or contribute to the adverse effects of climate change or threaten to cause or contribute to the adverse effects of climate change.

4. An action or omission that unlawfully causes or contributes to the adverse effects of climate change or threatens to cause or contribute to the adverse effects of climate change is deemed, in particular, to be an action or omission that prevents or significantly impedes the achievement of the climate goal or climate change adaptation, or that threatens to prevent or significantly impedes the achievement of the climate goal or climate change adaptation.

5. The above provisions are without prejudice to the rights provided by other laws, including, in particular, environmental law.

**Article 4.** 1. The Republic of Poland:

1) shall achieve climate neutrality on the territory of the Republic of Poland, up to and including 2050 at the latest, and shall ensure that it is at least maintained after that year, and shall strive to achieve negative emissions;

2) shall reduce net greenhouse gas emissions in the territory of the Republic of Poland, up to and including 2030, by at least 55 % from the level these gases were being emitted in 1990;

3) shall achieve climate neutrality earlier than the date referred to in section 1 point 1, or will make a greater reduction in net greenhouse gas emissions than the one referred to in section 1 point 2, if the obligation to ensure earlier achievement of climate neutrality or greater reduction in net greenhouse gas emissions results from the provisions of European Union law or international law binding on the Republic of Poland.

**Article 5. 1.** Climate protection, including ensuring the achievement of the climate goal and compliance with the national emission ceiling, as well as ensuring achievable climate change adaptation, is a constitutional obligation of public authorities as part of ensuring environmental protection and environmental safety for present and future generations.

2. The Council of Ministers is responsible for ensuring the achievement of the climate goal and compliance with the national emission ceiling, as well as for ensuring achievable climate change adaptation.

3. Failure to ensure the achievement of the climate goal or compliance with the national emission ceiling or to ensure achievable climate change adaptation constitutes an unlawful omission in the exercise of official authority, as referred to in the Act of 23 April 1964 – Civil Code (Journal of Laws of 2021, item 2459 and of 2022, items 1360, 2337 and 2339). This is without prejudice to the protection of rights and freedoms under other provisions of law.

**Article 6. 1.** To finance tasks related to the achievement of the climate goal and climate change adaptation, expenditures from the national budget that are not less than 1% of the Gross Domestic Product are allocated annually.

2. The value of the Gross Domestic Product is determined on the basis of the value specified in the assumptions of the draft national budget for a given year and applies to the same year for which the expenditures referred to in section 1 are planned.

3. The expenditures referred to in section 1 include budget expenditures in the “climate” part of the national budget and budget expenditures in the “climate” section of other parts of the national budget.

## Chapter 3

### **Climate protection actions**

**Article 7. 1.** Public administration bodies are obliged to take necessary actions to protect the climate and to refrain from actions that will prevent the achievement of the climate

goal or climate change adaptation. Public administration bodies are also obliged to mitigate the negative effects of actions to protect the climate for society and the negative effects of refraining from actions that will prevent the achievement of the climate goal or climate change adaptation.

2. In exercising their rights and performing their obligations, public administration bodies are obliged, in particular, to:

- 1) support actions aimed at achieving the goals and meeting the requirements under European Union law, in particular the European Climate Law;
- 2) follow the best available evidence and the most up-to-date scientific data, including, in particular, the most up-to-date information from the Intergovernmental Panel on Climate Change, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), the European Scientific Advisory Committee on Climate Change, other international bodies, and the Climate Protection Council.

**Article 8.** 1. Actions aimed at adapting to climate change must not result in serious damage to actions aimed at achieving the climate goal, and actions aimed at achieving the climate goal must not result in serious damage to actions aimed at adapting to climate change.

2. Climate protection measures cannot contribute to weakening environmental protection, including, in particular, causing serious damage to the achievement of other environmental goals, such as:

- 1) sustainable use and protection of water and sea resources;
- 2) transition to a circular economy;
- 3) pollution prevention and control;
- 4) protection and restoration of biodiversity and ecosystems.

**Article 9.** 1. Before taking any actions that may affect the achievement of the climate goal or climate change adaptation, in particular during the drafting of legislative instruments and planning documents, as well as before making final decisions on financing and decisions required before the start of implementation, operation or continued operation of the project, the relevant public administration bodies are required to consider whether the impact may be significant and whether the planned actions therefore require climate verification.

2. As part of the climate verification, the actions referred to in section 1 are evaluated from the point of view of:

- 1) their impact on achieving the climate goal or climate change adaptation;
- 2) the possibility of causing serious damage within the meaning of Article 8.

In assessing the impact on the achievement of the climate goal or climate change adaptation, it is examined in particular whether the action:

- 1) makes a significant contribution to achieving the climate goal or climate change adaptation;
- 2) threatens the achievement of the climate goal or climate change adaptation;
- 3) is neutral from the point of view of achieving the climate goal or climate change adaptation.

4. If the climate verification carried out demonstrates that taking the planned actions will prevent or seriously impede the achievement of the climate goal or climate change adaptation, the body refrains from taking the action or refuses to issue a decision authorising it, unless it is necessary for the protection of human health or life, or for the protection of the national economy from severe losses, or for a particularly vital public interest.

5. If the climate verification demonstrates that taking the planned action may have a significant impact on a Natura 2000 site, the body asks for an opinion from the competent regional environmental protection director on the need to carry out a Natura 2000 impact assessment. This opinion is issued within one month. Failure to provide the opinion within this time limit shall be deemed tantamount to the opinion that there is no need for such an assessment.

6. If the climate verification demonstrates that taking the planned action may significantly affect the possibility of achieving the environmental goals referred to in Article 56, Article 57, Article 59 and Article 61 of the Act of July 27, 2017 – Water Law (Journal of Laws of 2022, items 2625, 2687, 1549, 2185 and of 2023, items 295 and 412), the body asks for an opinion from the competent body of the Polish Water Authority on the need to assess the possibility of achieving these goals. This opinion is issued within one month. Failure to provide the opinion within this time limit shall be deemed tantamount to the opinion that there is no need for such an assessment.

7. All policies, strategies, plans, programmes and other documents that may affect the climate or that relate to climate protection, including, in particular, plans, strategies and other documents developed on the basis of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (EU OJ L. of 2018 No. 328, p. 1, as amended), must at least contribute to the achievement of the climate goal and remain in compliance with current emission budgets, programmes and plans, including climate change adaptation plans, adopted under the Act. The policies, strategies, plans, programmes and other documents referred to in this section shall include an analysis of the possible adverse effects of the taken actions for society, particularly with regard to the labour market, and proposals to prevent or mitigate the occurrence of such effects.

8. The results of the climate verification shall be presented by the body to the Climate Protection Council, which may issue an opinion on the correctness of the verification carried out, and in the case of a normative act, issues such an opinion. Subject to section 9, the Opinion shall be issued within one month of the Climate Protection Council being presented with the results of the climate verification.

9. In the relation to the:

- 1) National Emission Budget;
- 2) Sectoral Emission Budget;
- 3) National Greenhouse Gas Reduction Programme;
- 4) National Emission Reduction Plan;
- 5) Sectoral Emission Reduction Plan;
- 6) National Adaptation Plan;
- 7) National Air Pollution Reduction Programme

- the results of the verification are submitted to the Council with the submission of the draft document under the terms of the relevant provisions of law. In this case, the Council shall



issue an opinion on the correctness of the verification carried out in the manner and within the time limit appropriate for the opinion on the document in question.

10. The results of the climate verification and the opinions of the Climate Protection Council and other bodies, if issued, are part of the justification for the draft legislative instrument or administrative decision and are available to the public.

11. Climate verification is carried out using the climate verification guidelines developed by the Climate Protection Council and the minister competent for climate on the basis of the methodology established by European Union law and technical guidelines prepared by the European Commission.

12. Climate verification is, where applicable, part of the procedure for strategic environmental assessment or project environmental impact assessment.

## Chapter 4

### **Emission budgets and types of actions that make a significant contribution to the achievement of climate goals and climate change adaptation**

**Article 10.** 1. The National Emission Budget and Sectoral Emission Budget are developed for the achievement of climate goals.

2. The National Emission Budget specifies:

- 1) the degree of greenhouse gas emission reduction in the period that the emission budget is valid;
- 2) the maximum permissible level of greenhouse gas emissions in the period that the emission budget is valid.

3. The Sectoral Emission Budget includes a determination of the values referred to in section 2 for the relevant economic sector in the period that the given sectoral emission budget is valid.

4. The detailed content and rules for the adoption of the National Emission Budget and Sectoral Emission Budget are specified in the Act on system.

**Article 11.** The activity that makes a significant contribution to achieving the climate goal is considered to be the activity that makes a significant contribution to stabilising atmospheric concentrations of greenhouse gases at a level sufficient to prevent dangerous anthropogenic

interference with the climate system, in accordance with the long-term temperature goal specified in the Paris Agreement to the United Nations Framework Convention on Climate Change, drawn up in New York on 9 May 1992, adopted in Paris on 12 December 2015 (Journal of Laws of 2017, item 36) and the rationale set forth in Article 4 for achieving the climate goal by preventing or reducing greenhouse gas emissions or increasing greenhouse gas absorption, including through process or product innovation, by:

- 1) generation, transmission, storage, distribution or use of renewable energy and also through the use of innovative technologies with the potential for significant future savings or through the necessary strengthening or expansion of the grid;
- 2) improving energy efficiency, with the exception of electricity generation activities;
- 3) increasing clean or climate-neutral mobility;
- 4) transition to using renewable materials from sustainable sources;
- 5) strengthening terrestrial carbon sinks, including through combating deforestation and forest degradation, forest restoration, sustainable management and restoration of farmland, grasslands and wetlands, afforestation and regenerative agriculture;
- 6) creating the energy infrastructure required to decarbonise energy systems;
- 7) producing clean and efficient fuels from renewable or carbon-neutral sources.

**Article 12. 1.** The following are considered to be activities that make a significant contribution to climate change adaptation:

- 1) a business activity that includes solutions which materially reduce the risk of adverse effects of current and expected future climate conditions on those business activities, or materially reduces those adverse effects without increasing the risk of adverse effects on people, nature or assets;
- 2) an activity that provides adaptation solutions which make a significant contribution to preventing or mitigating the risk of adverse effects of current and expected future climate conditions on people, nature or assets, without increasing the risk of adverse effects on people, nature or assets.

2. The adaptation solutions referred to in section 1 point 1 are evaluated and prioritised using the best available climate projections and, at a minimum:

- 1) prevent or reduce the adverse effects of climate change on a particular business activity related to location and context; or
- 2) prevent or reduce the potential adverse effects of climate change on the environment in which the business activity is conducted.

**Article 13. 1.** In order to achieve the climate goal, to protect society from the adverse effects of climate change, and to ensure that the actions taken have the least possible adverse impact on society, climate change adaptation plans, hereinafter referred to as “adaptation plans” are developed for a period of not less than 10 years.

2. Adaptation plans are developed at the national level as the National Adaptation Plan, at the voivodeship level as the Voivodeship Adaptation Plans, and at the commune level as the Commune Adaptation Plans.

3. The Commune Adaptation Plans are developed in every commune with a population of 20,000 or more. The number of residents is determined on the basis of the most recent statistical data published by the Central Statistical Office. The Commune Adaptation Plans can be developed in communes with a population of less than 20,000.

4. The provisions of the Act of 6 December 2006 on the principles of development policy (Journal of Laws of 2023, items 225 and 412) do not apply to the adaptation plans.

**Article 14. 1.** Adaptation plans include:

- 1) analysis of the current state of the climate in the area for which the adaptation plan is prepared. The Commune Adaptation Plan may not include such an analysis if it is sufficiently covered in the relevant Voivodeship Adaptation Plan;
- 2) the projected change in climate and its effects on the area for which the adaptation plan is being prepared. The Commune Adaptation Plan may not include such an analysis if it is sufficiently covered in the relevant Voivodeship Adaptation Plan;
- 3) adopted goals for protection against climate change;
- 4) directions for actions on protection against climate change;
- 5) schedule, determination of operators and financing of tasks resulting from the adopted directions of actions referred to in point 4;
- 6) anticipated effects of the courses of actions referred to in point 4 for society, including, in particular, their anticipated impact on the labour market, demographics, and the health

of society in the area covered by the adaptation plan, as well as proposals on how to mitigate the potential adverse effects of the actions referred to in point 4 for society;

- 7) information on the strategic environmental impact assessment of the plan;
- 8) determination of the method of monitoring and evaluation of the implementation of the adaptation plan making it possible to determine how and to what extent the goals and tasks defined in the plan have been achieved;
- 9) non-technical summary.

2. Adaptation plans may include, in particular, the following information:

- 1) a description of organisational aspects related to climate change adaptation;
- 2) an assessment of the usefulness and suitability of using economic and other instruments to address climate change issues;
- 3) details concerning information campaigns and informing the public or a specific group of people on climate change adaptation;
- 4) specific issues related to climate change adaptation, arising from the conditions of the area for which the adaptation plan is prepared.

3. The Voivodeship Adaptation Plan must be consistent with the National Adaptation Plan and serve the goals contained therein.

4. The Commune Adaptation Plan must be consistent with the Voivodeship Adaptation Plan for the voivodeship where the commune is located and the National Adaptation Plan, and serve to achieve the goals contained therein.

**Article 15.** 1. The Council of Ministers enacts the National Adaptation Plan developed jointly by the minister competent for climate, the minister competent for state assets, the minister competent for agriculture, the minister competent for construction, the minister competent for energy and the minister competent for transport.

2. The draft National Adaptation Plan is subject to the opinion of the Climate Protection Council. The Climate Protection Council expresses its opinion within no more than two months from the date of receipt of the draft. Failure to provide an opinion within this period is considered a positive opinion. The Climate Protection Council publishes its expressed opinion in the manner and form referred to in Article 33 section 1.

3. The voivodeship assembly adopts the Voivodeship Adaptation Plan developed by the voivodeship board.

4. The voivodeship board submits the adopted Voivodeship Adaptation Plan to the minister competent for climate, within one month from the date of adoption of the plan.

5. The draft Voivodeship Adaptation Plan is subject to the opinion of the implementing bodies of communes in the respective voivodeship that are not members of inter-communal or metropolitan unions, as well as the implementing bodies of inter-communal unions.

6. After the bodies referred to in section 5 give an opinion on the draft Voivodeship Adaptation Plan, the voivodeship board is obliged to forward the draft Voivodeship Adaptation Plan to the minister competent for climate for an opinion.

7. The bodies referred to in sections 5 and 6 express their opinions within one month of receiving the draft. Failure to provide an opinion within this period is considered a positive opinion.

8. The draft Commune Adaptation Plan is prepared by the commune head. The commune head submits the draft Commune Adaptation Plan to the voivodeship board in whose area the commune is located in order to issue an opinion on the consistency of the draft Commune Adaptation Plan with the Voivodeship Adaptation Plan.

9. The voivodeship board issues the opinion referred to in section 8 within one month of receiving the draft Commune Adaptation Plan. Failure to provide an opinion within this period is considered as an opinion that the draft Commune Adaptation Plan is consistent with the Voivodeship Adaptation Plan.

10. The commune council adopts the Commune Adaptation Plan by resolution.

11. The commune head submits the adopted municipal adaptation plan to the voivodeship board in whose area the commune is located, within one month of adopting the plan.

12. Whenever the Act refers to the commune head, it should also mean the mayor and president of a city.

13. The Voivodeship Adaptation Plan and the Commune Adaptation Plan are acts of local law.

**Article 16.** 1. The National Adaptation Plan is updated when necessary, at least every 4 years.

2. The Voivodeship Adaptation Plan is updated as necessary, at least every 4 years, and each time no later than one year after the update of the National Adaptation Plan.

3. The Commune Adaptation Plan is updated as necessary, at least every 4 years, and each time no later than eight months after the update of the Voivodeship Adaptation Plan for the voivodeship where the given commune is located.

4. The voivodeship board submits the draft of the updated Voivodeship Adaptation Plan to the voivodeship assembly for adoption no later than three months before the expiry of the time limit for its update.

5. The commune head submits the draft of the updated Commune Adaptation Plan to the commune council for adoption no later than two months before the expiry of the time limit for its update.

6. The provisions of Article 15 apply *mutatis mutandis* to updating adaptation plans.

**Article 17.** 1. A report covering a period of 2 subsequent calendar years is prepared regarding the implementation of the National Adaptation Plan, as of 31 December of the year ending the period. Reports are prepared regarding the implementation of Voivodeship Adaptation Plans and Commune Adaptation Plans, covering the same period for which the report on the implementation of the National Adaptation Plan is prepared.

2. Reports on the implementation of adaptation plans include information on the implementation of the provisions of the plans, an assessment of the state of the climate, an evaluation of the status of the tasks and the achievement of the goals.

3. A progress report concerning:

- 1) the National Adaptation Plan – is prepared and submitted to the Council of Ministers and the Climate Protection Council by the Minister competent for climate, within 8 months of the end of the reporting period;
- 2) the Voivodeship Adaptation Plan – is prepared and submitted to the voivodeship assembly, the minister competent for climate, and the Climate Protection Council by the voivodeship board, within 5 months of the end of the period for which the report is to be submitted;

3) the Commune Adaptation Plan – is prepared and submitted to the commune council, the voivodeship board in whose area the commune is located, and the Climate Protection Council by the commune head within 3 months of the end of the period for which the report is to be submitted.

4. Immediately upon receipt of the report, the Climate Protection Council publishes the report in the manner and form referred to in Article 33 section 1.

**Article 18.** The minister competent for climate shall specify, in the form of a regulation:

- 1) the model National Adaptation Plan, the Voivodeship Adaptation Plan and the Commune Adaptation Plan;
- 2) the model report on the implementation of the National Adaptation Plan, the Voivodeship Adaptation Plan and the Commune Adaptation Plan

– considering the need to ensure the consistency and completeness of the National Adaptation Plan, the Voivodeship Adaptation Plan and the Commune Adaptation Plan, as well as reports on the implementation of these plans.

## Chapter 5

### Climate Protection Council

**Article 19. 1.** The Climate Protection Council, hereinafter referred to as “the Council”, is a body independent of other state bodies, whose purpose is to initiate, perform and support actions to protect the climate, in particular to achieve the climate goal.

2. The Council has the exclusive right to use the name "Climate Protection Council", the abbreviation “CPC” and the registered logo.

3. The Council uses a round seal with the emblem of the Republic of Poland in the middle and the name “Climate Protection Council” in the rim.

**Article 20.** The tasks of the Council include, in particular:

- 1) providing opinions on legal acts and documents relating to climate protection or that may be relevant to climate protection;

- 2) cooperation with public administration bodies in the field related to climate protection, including issuing opinions on the results of climate verifications and, if this does not interfere with the performance of Council's other tasks, assisting in carrying them out;
- 3) cooperation with environmental organisations within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments;
- 4) initiating and organising education and information activities in the field related to climate protection, in particular, providing explanations, developing information and training materials, and conducting training on climate protection;
- 5) monitoring actions in scope of climate policy, as well as preparing analyses, reviews and assessments of its application;
- 6) forecasting the effects of climate policy implementation;
- 7) taking other actions as prescribed by law, including Articles 21-23.

**Article 21. 1.** In order to protect the climate, the Council may, in particular:

- 1) apply to the competent bodies for a legislative initiative or the issuance or amendment of other normative acts on matters relating to climate protection or that may affect the state of the climate, in particular as described in Article 23;
- 2) inform the relevant supervisory or control bodies of perceived irregularities that adversely affect or threaten climate protection, in particular, the achievement of the climate goal;
- 3) apply to the Supreme Court with the petition referred to in Article 83 § 1 of the Act of 8 December 8 2017 on the Supreme Court (Journal of Laws of 2021, item 1904, and of 2022, items 480, 1259 and 2280 and of 2023, item 181);
- 4) apply to the Supreme Administrative Court with the petition for a resolution aimed at clarifying legal provisions whose application has caused discrepancies in the case law of administrative courts;
- 5) apply to the Human Rights Defender for actions under the provisions on the Human Rights Defender;
- 6) demand the initiation of pre-trial proceedings by an authorised prosecutor in cases of crimes initiated *ex officio*;



- 7) inform the relevant bodies of perceived impediments to sound climate protection and barriers to taking climate protection actions;
- 8) commission the preparation of studies or expert reports and opinions.

2. The Council may address assessments and petitions to competent bodies, organisations or public institutions to take actions in order to ensure effective climate protection.

3. The bodies, organisations and public institutions referred to in section 2 are obliged to consider matters referred by the Council.

4. The bodies, organisations or public institutions referred to in section 2, to which the Council has requested the actions referred to in section 2, are obliged to inform the Council immediately, but no later than within 30 days of the actions being taken or the position being taken.

5. If the bodies, organisations or public institutions referred to in section 2 fail to inform the Council of the action or the position taken, or if the Council does not share their position, it may ask the relevant superior body to take appropriate action.

**Article 22.** 1. The bodies, organisations or public institutions that are approached by the Council are obliged to cooperate with it and provide it with assistance.

2. The bodies, organisations or public institutions referred to in section 1 are obliged, in particular, to:

- 1) provide information and explanations requested by the Council;
- 2) provide explanations of the factual and legal basis for their decisions;
- 3) respond to the Council's general assessments, comments and opinions.

3. The provisions of sections 1 and 2 do not apply to classified information within the meaning of the provisions on the protection of classified information.

**Article 23.** 1. While carrying out its tasks and powers, the Council may, in particular:

- 1) take a position on any action or omission of public authorities that is or may be relevant to climate protection, including in particular the achievement of the climate goal, the implementation of European Union law and Poland's international obligations in the field of climate protection. In particular, the Council may:

- a) take a position in any administrative or judicial proceedings, including proceedings before the Constitutional Court, at any stage of the proceedings,
  - b) refer a draft normative act in the field of climate protection to the Council of Ministers for deliberation, together with a petition that the Council of Ministers take a legislative initiative with respect to the draft; such draft is simultaneously published in the manner and form referred to in Article 33 section 1;
- 2) apply in writing to the General Prosecutor or the Human Rights Defender with a detailed reasoned petition to refer to the Constitutional Court for examination of compliance with the Constitution, a ratified international agreement or an Act relating to the following:
- a. the National Emission Budget,
  - b. a Sectoral Emission Budget,
  - c. the National Greenhouse Gas Reduction Programme,
  - d. the National Emission Reduction Plan,
  - e. the National Adaptation Plan.

2. In the case referred to in section 1 point 2, the General Prosecutor or the Human Rights Defender immediately, but no later than within 2 months of the Council's request for it to do so, prepares a draft petition and submits it to the Council for the purpose of giving the Council an opportunity to review the draft petition and submit comments, or refuses to prepare the draft petition. The Council may submit comments on the draft petition within one month of its submission to the Council. Upon receipt of the Council's comments, or upon the ineffective expiry of the time limit for their submission, the General Prosecutor or the Human Rights Defender refers the petition to the Constitutional Court without undue delay, but no later than within one month of receiving the Council's comments, or refuses to file the petition. The refusal to prepare the draft petition, the refusal to file the petition, as well as the manner and form of consideration or reasons for not considering the Council's comments, are described in detail and are communicated to the Council and published in the manner and form referred to in Article 33, section 1.

**Article 24. 1.** The Council is composed of 16 members appointed in equal numbers by the Sejm of the Republic of Poland, the Senate of the Republic of Poland, the President of the Republic of Poland and the Human Rights Defender.

2. Members of the Council appointed by the Sejm of the Republic of Poland and members of the Council appointed by the Senate of the Republic of Poland are appointed by a majority of 3/5 votes in the presence of at least half of the statutory number of deputies or senators, respectively.

3. The Chairman of the Council is appointed by the Human Rights Defender from among the members of the Council. The Chairman of the Council manages its works, represents the Council externally and performs other activities as stated in the Act and the Council's rules of procedure.

4. The Council elects the Vice-Chairman of the Council from among its members, at the request of the Chairman of the Council.

5. Members of the Council may be Polish citizens of good repute who have special knowledge about climate protection or areas that may be of particular importance for the fulfilment of the Council's tasks, including, in particular, representatives of science or environmental organisations.

6. Members of the Council are appointed for individual four-year terms. The function of a member of the Council may be carried out more than once, but it is not permissible to serve as a member of the Council for three or more immediately consecutive terms.

7. A new member of the Council should be appointed before the expiry of the previous term. A member of the Council serves until a successor is appointed.

8. The body authorised to appoint a member of the Council dismisses the member in the following cases only:

- 1) resignation;
- 2) disease that permanently prevents the member from holding the office;
- 3) conviction by a final court sentence for committing an intentional crime or fiscal crime;
- 4) violation of the provisions of Article 25 section 2.

9. Members of the Council appointed by the Sejm of the Republic of Poland and members of the Council appointed by the Senate of the Republic of Poland are dismissed by a majority of 3/5 votes in the presence of at least half of the statutory number of deputies or senators, respectively.

10. If a member of the Council dies, the termination of the mandate is declared by:

- 1) the Speaker of the Sejm of the Republic of Poland – when the member was appointed by the Sejm of the Republic of Poland;
- 2) the Speaker of the Senate of the Republic of Poland – when the member was appointed by the Senate of the Republic of Poland;
- 3) the President of the Republic of Poland – when the member was appointed by the President of the Republic of Poland;
- 4) the Human Rights Defender – when the member was appointed by the Human Rights Defender.

11. The vacant seat in the Council, for the reasons specified in sections 9 and 10, is allocated by the appointing bodies no later than within 3 months of member being dismissed or the mandate of a member of the Council being declared expired.

**Article 25. 1.** A member of the Council who is a member of a political party is obliged to suspend his or her activity in the party within 7 days of being appointed and for the duration of their term on the Council. Membership of the Council ceases by operation of law upon the ineffective expiry of this period. If membership ceases as referred to in this provision, the vacant seat in the Council is allocated by the appointing bodies within 3 months of the mandate of the Council member being terminated.

2. A member of the Council may not engage in additional employment or other gainful activity, including business activity, if it is inconsistent with the duties of a member of the Council or undermines confidence in the Council.

3. When the duties of a member of the Council would require the cessation of the activities referred to in section 2, upon their cessation, a member of the Council has the right to return to the position previously held under a contract of employment, nomination or appointment, or to be given an equivalent position, with the right to the terms and conditions of work and pay or service and salary to which the member was entitled before taking up the position of a member of the Council.

4. The employer may deny a member of the Council the right referred to in section 3 if, within 60 days of the member's term on the Council being terminated or expired, the member of the Council fails to notify the employer in writing of his willingness to resume work or service immediately, unless the time limit is exceeded for reasons beyond the control of the member of the Council. Within 7 days of being notified of their readiness for immediate work

or service, the employer is obliged to ensure that the member of the Council has the conditions of work and pay or service and salary referred to in section 3.

**Article 26.** 1. The provisions of the Act of 31 July 31 1981 on the remuneration of persons holding state managerial positions (Journal of Laws of 2023, item 624), with the exception of Article 4, section 2 thereof, apply to members of the Council.

2. Members of the Council are treated as employees with regard to social security and health insurance.

3. The Council Office pays the social security and health insurance contributions for members of the Council.

**Article 27.** 1. Subject to section 2, statements on behalf of the Council are made jointly by the Chairman of the Council or a member of the Council authorised by the Chairman of the Council, and another member of the Council.

2. All statements on climate protection, including statements made in the course of administrative or judicial proceedings, positions, assessments and opinions of the Council are made by the Council in the form of a resolution adopted by a majority of votes with at least 10 members present, including the Chairman of the Council. In the event of an equal number of votes, the vote is decided by the Chairman of the Council.

3. Council meetings are convened by the Chairman of the Council at least once a month. The Council meeting may also be convened at the written request of at least 2 members of the Council.

4. In the absence of the Chairman, the meeting is chaired by the Vice-Chairman of the Council. In the absence of the Chairman and Vice-Chairman of the Council, the meeting is chaired by one of the other members of the Council.

5. The Council meeting may be attended by means of direct remote communication, unless the Council's rules of procedure state otherwise.

6. The Council may adopt resolutions by correspondence or by means of direct remote communication, unless the Council's rules of procedure state otherwise.

7. Members of the Council may participate in the adoption of the Council's resolutions by casting their vote in writing through another member of the Council, unless otherwise stated in the Council's rules of procedure.

8. Detailed procedures for the Council's activities, including detailed rules for remote participation in Council meetings, as well as the election of a member of the Council to chair the meeting in the absence of the Chairman and the Vice-Chairman of the Council, are determined by the rules of procedure adopted by the Council by a majority of votes with at least 10 members of the Council present. The same procedure is used to make changes to the rules of procedure.

**Article 28.** 1. Substantive, administrative and office services are provided to the Council by the Council Office, which is a state budget unit.

2. The provisions on employees of state offices apply to employees of the Council Office.

3. The Council grants a charter to the Council Office, which defines the detailed scope of its tasks and internal organisation. The charter is granted by a resolution of the Council adopted by a majority of votes with the presence of at least 10 Council members. The same procedure is used to make changes to the charter.

4. The Council of Ministers determines, by regulation, a list of positions in the Council Office, the required qualifications and the rules of remuneration, including the rates of base salary for individual official positions, taking into account the increase in salary due to seniority, based on the rank of the position, the scope of official tasks performed, the responsibility incurred and the required qualifications.

**Article 29.** Expenses related to the activities of the Council and the Council Office are covered by the state budget.

**Article 30.** 1. The Council submits and publishes, in the manner and form referred to in Article 33 section 1, a report on its activities in the previous calendar year annually, within 90 days of the end of the calendar year, to the President of the Republic of Poland, the Prime Minister, the Speaker of the Sejm of the Republic of Poland, the Speaker of the Senate of the Republic of Poland and the Human Rights Defender.

2. The report referred to in section 1 includes, in particular, information on the activities undertaken by the Council, as well as comments on the state of climate protection in the territory of the Republic of Poland.

**Article 31.** The Council submits annually, no earlier than on 1 August and no later than on 30 September, to the President of the Republic of Poland, the Prime Minister, the Speaker

of the Sejm of the Republic of Poland, the Speaker of the Senate of the Republic of Poland and the Human Rights Defender, and publishes, in the manner and form referred to in Article 33 section 1, an assessment of the state of climate in Poland, which includes, in particular, comments on the state of climate protection in the territory of the Republic of Poland, including, in particular, the Council's assessment of:

- 1) the report of the Council of Ministers on the state of climate in Poland, referred to in Article 35;
- 2) taken and proposed actions of public administration bodies that have or may have an impact on greenhouse gas emissions, in particular those set forth in the National greenhouse gas reduction programme;
- 3) currently applicable or planned National and sectoral emission budgets;
- 4) the consistency of the actions and emission budgets referred to in points 2 and 3 with the climate goals, European Union law, in particular the European Climate Law, and Poland's international obligations;
- 5) actions necessary for ensuring the achievement of the climate goal, the implementation of European Union law and performance of Poland's international obligations.

## Chapter 6

### **Climate protection information**

**Article 32.** The climate protection information qualifies as information on the environment and its protection within the meaning of the provisions on the environment and its protection and is subject to release under the rules set forth therein. The climate protection information is, in particular, information on the basis of which the following documents are developed:

- 1) National and Sectoral Emission Budgets;
- 2) National, Voivodeship and Commune Adaptation Plans;
- 3) The National Greenhouse Gas Reduction Programme;
- 4) National and Sectoral Emission Reduction Plans;
- 5) the Council's annual opinion on the state of climate in Poland;

- 6) the Council of Ministers' annual report on the state of climate in Poland;
- 7) reports on the implementation of the National, Voivodeship and Commune Adaptation Plans.

**Article 33.** 1. All reports, opinions, positions or other documents and information that the particular body is required to publish under the Act are published in a separate, easily identifiable and publicly accessible database located on the website of the body's Public Information Bulletin.

2. The database referred to in section 1 also includes information that is made public as part of the public participation procedure. This requirement is without prejudice to the obligation to make the information public in accordance with Article 3 section 1 point 11 of the Act on sharing information on the environment.

**Article 34.** 1. The body developing the strategic documents referred to in Article 32 points 1–4, as well as any amendments to these documents, ensures the possibility of public participation in their development, in accordance with the provisions of Part III, Chapters 1 and 3 of the Act on sharing information on the environment. When conducting a strategic environmental assessment of such documents, ensuring public participation in the strategic assessment is combined with ensuring public participation in the development of strategic documents under this Act.

2. For the purpose of effective notification, prior to public disclosure of the information on commencement of the development of a draft document and its subject, the body developing the draft document in question identifies natural and legal persons, as well as social organisations, unincorporated organisational entities and administrative bodies that may be affected by the implementation of such a document, or that by virtue of their powers, statutory goals or competencies may have an interest in its development.

3. The entities referred to in section 2 may ask the body to notify them by means of electronic communication, specifying the electronic mail address to which notifications are to be sent in relation to all documents prepared by the body as referred to in Article 32. The body maintains a list of such entities and may periodically review its validity.

4. Making an individual notification to the e-mail address provided does not violate the obligation to make the information public in accordance with Article 3 section 1 point 11 of the Act on sharing information on the environment and in accordance with Article 33 section 2 of the Act.



**Article 35. 1.** The Council of Ministers prepares an annual report on the state of climate in Poland, including:

- 1) information on the level of emissions of greenhouse gases in the territory of the Republic of Poland in the last calendar year, including in each sector of the economy;
- 2) if the national emission ceiling for the last calendar year was exceeded, a detailed description of the reasons why this occurred, along with a precise determination of the level of exceedance;
- 3) assessment of whether the fulfilment of the National and Sectoral Emission Budgets is at risk, and if so, with a detailed identification of the reasons why such a risk exists, along with the estimated period during which such situation will continue and the estimated level of not meeting the assumptions;
- 4) if the National or Sectoral Emission Budget has been breached or if the meeting of such a budget is at risk, a detailed description of the planned actions that will ensure the restoration of compliance with the National or Sectoral Emission Budget;
- 5) information on the implementation of the greenhouse gas reduction programmes and adaptation plans, including, in particular, a detailed description and analysis of the difficulties encountered in the implementation of the measures described in these documents and the planned directions for amending these documents.

2. The report referred to in section 1 is presented by the Council of Ministers annually, no later than by June 30 each year, to the President of the Republic of Poland, the Prime Minister, the Speaker of the Sejm of the Republic of Poland, the Speaker of the Senate of the Republic of Poland, and the Human Rights Defender, and published in the manner and form referred to in Article 33 section 1.

3. The report referred to in section 1 is debated in the Sejm of the Republic of Poland within 45 days of the Council's assessment referred to in Article 31 being provided to the Speaker of the Sejm of the Republic of Poland.

## Chapter 7

### **Environmental organisation petition**

**Article 36.** 1. An environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments may apply to the General Prosecutor or the Human Rights Defender, based on a petition with detailed justification and supported by 5,000 citizens, for filing a motion to the Constitutional Court to examine compliance of the following with the Constitution, a ratified international agreement or statute:

- 1) the National Emission Budget;
- 2) a Sectoral Emission Budget;
- 3) the National Greenhouse Gas Reduction Programme;
- 4) the National Emission Reduction Plan;
- 5) a Sectoral Emission Reduction Plan;
- 6) the National Adaptation Plan;
- 7) the National Air Pollution Reduction programme.

2. A citizen supports the petition to file the motion to the Constitutional Court by affixing his or her own handwritten signature to the list, next to his or her name(s), address of residence and PESEL identification number. Every page of the list must include the name of the environmental organisation and the title of the petition that the citizen supports.

3. Upon receipt of the petition, the General Prosecutor or the Human Rights Defender files the petition to the Constitutional Court without undue delay, but no later than within 2 months of receiving the petition, or refuses to file such a petition. Immediately after filing the petition with the Constitutional Court, but no later than within 7 days, the General Prosecutor or the Human Rights Defender informs it about the environmental organisation that filed the petition. The refusal to file the petition is substantiated in detail and immediately forwarded to the environmental organisation that filed the petition.

## Chapter 8

### Amendments to the provisions of law

**Article 37.** In the Act of 17 November 1964 – Code of Civil Procedure (Journal of Laws of 2021, items 1805, 1981, 2052, 2262, 2270, 2289, 2328 and 2459, and of 2022, items 1, 366, 480, 807, 830, 974 and 1098, 1301, 1692, 1855, 1967, 2127, 2140, 2180, 2339, 2436, 2687, and of 2023, item 403), Article 61 § 1 point 2 shall read:

“2) environmental protection, including climate protection;”.

**Article 38.** In the Act of 31 July 1981 on the remuneration of persons holding state managerial positions (Journal of Laws of 2023, item 624), in Article 2 point 4, a comma and the words “member of the Climate Protection Council” are added after the word “Television”.

**Article 39.** In the Act of 16 September 1982 on employees of state offices (Journal of Laws of 2022, items 2290 and 1933, and of 2023, item 181) in Article 1 section 1 point 15, the full stop is replaced with a semicolon and point 16 is added, reading as follows:

“16) the Climate Protection Council Office.”.

**Article 40.** The Act of 8 March 1990 on local government in communes (Journal of Laws of 2023, items 40 and 572) is hereby amended as follows:

1) in Article 10e, section 3, point 1 shall read as follows:

“1) the strategic objectives of development in the social, economic, spatial, and environmental protection terms, including climate protection, taking into account, in particular, the need to contribute to the achievement of the climate goal referred to in the Act of ... on climate protection (Journal of Laws, item ...);”;

2) Article 101 shall read as follows:

“Article 101. 1. Anyone whose legal interest or powers are affected by a resolution or order, adopted by a commune body regarding a public administration issue, may appeal the resolution or order to an administrative court.

2. A complaint against the resolution or order referred to in section 1 may be filed with the administrative court on one’s own behalf or as a representative of a group of commune residents who give consent for this in writing.

3. An environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental

protection, and on environmental impact assessments may appeal the environmental resolution or order to an administrative court, including with regard to climate protection, regardless of whether it is related to its legal interest or power.

4. The provisions of sections 1 and 3 do not apply if an administrative court has already ruled on the case and dismissed the complaint.

5. In the cases referred to in section 1, Article 94 applies accordingly.”.

**Article 41.** The Act of 15 July 1987 on the Human Rights Defender (Journal of Laws of 2020, item 627, and of 2021, item 696) is hereby amended as follows:

1) in Article 1, section 2 shall read as follows:

“The Human Rights Defender, hereinafter referred to as the "Human Rights Defender," is the guardian of human and civil liberties and rights set forth in the Constitution of the Republic of Poland and other normative acts, including the implementation of the principle of equal treatment and the right to live in a climate-safe environment.”

2) after section 2b in Article 1, section 2c is hereby added, reading as follows:

“In environmental matters, the Human Rights Defender cooperates with the Climate Protection Council.”

3) in Article 8, section 1 shall read as follows:

“The Human Rights Defender takes actions provided for by the Act if he becomes aware of information indicating a violation of human and civil liberties and rights, including the principle of equal treatment or the right to live in a climate-safe environment.”

4) in Article 9 after point 2b, point 2c is hereby added, reading as follows:

“at the request of the Climate Protection Council;”;

5) in Article 16, section 3 shall read as follows:

“If the Human Rights Defender applies to the Constitutional Court with the petition referred to in section 2 point 2, the Human Rights Defender informs about it the Ombudsman for Children if the petition concerns children's rights, and the Climate Protection Council if the petition concerns environmental rights, including in particular the right to live in a climate-safe environment.”

**Article 42.** In the Act of 5 June 1998 on poviats local government (Journal of Laws of 2022, item 1526, and of 2023, item 572), Article 87 shall read as follows:

“Article 87. 1. Anyone whose legal interest or powers are affected by a resolution adopted by a poviats body regarding a public administration issue, may appeal the resolution to an administrative court.

2. A complaint against the resolution referred to in section 1 may be filed with the administrative court on one’s own behalf or as a representative of a group of poviats residents who give consent for this in writing.

3. An environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments may appeal the environmental resolution to an administrative court, including with regard to climate protection, regardless of whether it is related to its legal interest or power.

4. The provisions of sections 1 and 3 do not apply if an administrative court has already ruled on the case and dismissed the complaint.”.

**Article 43.** The Act of 5 June 1998 on voivodeship local government (Journal of Laws of 2022, item 2094, and of 2023, item 572) is hereby amended as follows:

1) in Article 11 in section 2, after point 5, point 5a is hereby added, reading as follows:

“creating conditions for actions that contribute to the achievement of the climate goal set forth in the Act of ... on climate protection (Journal of Laws, item ...), including those aimed at reducing greenhouse gas emissions and adapting to climate change;”;

2) Article 90 shall read as follows:

“Article 90. 1. Anyone whose legal interest or powers are affected by a provision of a local law issued in a matter of public administration may appeal the provision to an administrative court.

2. An environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments may appeal the environmental provision to an administrative court, regardless of whether it is related to its legal interest or power.

3. The provisions of sections 1 and 2 do not apply if an administrative court has already ruled on the case and dismissed the complaint.”.

**Article 44.** The Act of 27 April 2001 – Environmental Protection Law (Journal of Laws of 2022, items 2556 and 2687) is hereby amended as follows:

1) in Article 3:

a) after point 2a, point 2aa is hereby added, reading as follows:

“2aa) climate goal – means the climate goal referred to in the Act of ... on climate protection (Journal of Laws, item ...)”;

b) after point 8b, point 8ba is hereby added, reading as follows:

“8ba) national emission ceiling – means the national emission ceiling referred to in the Act of 17 July 2009 on the management system of emissions of greenhouse gases and other substances (Journal of Laws of 2022, item 673);”;

2) in Article 71 section 2 point 2, the full stop is replaced with a semicolon, and point 3 is added, reading as follows:

“3) the content of the adaptation plan referred to in the Act of ... on climate protection (Journal of Laws, item ...), relating to the area for which the concept, strategy, plan or study referred to in section 1 is prepared, is taken into account.”;

3) in Article 72, section 4 shall read as follows:

“4. The requirements referred to in sections 1 to 3 are determined on the basis of ecophysiological studies, according to the type of document being prepared, the characteristics of individual natural elements and their interrelations, and taking into account the content of the relevant adaptation plan referred to in the Act of ... on climate protection (Journal of Laws, item ...).

4) in Article 185:

a) section 1 shall be repealed,

b) section 1a shall read as follows:

“1a. The parties to the proceedings for the issuance of an integrated permit covering water use involving water abstraction or the discharge of wastewater into water or the ground, respectively, are the entities referred to in Article 212 section 1

of the Act of 20 July 2017 – Water Law. This provision is without prejudice to Article 31 of the Code of Administrative Procedure.”,

c) section 2 shall be repealed;

5) after Article 185, Article 185a is hereby added, reading as follows:

“Article 185a. 1. When initiating proceedings for the issuance of a permit other than an integrated permit, the body immediately makes public, in accordance with the requirements set forth in Article 3 section 1 point 11 of the Act of 3 October 2008 on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments, information about:

- 1) the initiation of proceedings,
- 2) the subject of the permit to be issued in the case;
- 3) the body competent to issue the permit.

2. After the issuance of the permit referred to in section 1, the body immediately makes this fact public.”;

6) in Article 186 section 1 point 10, the full stop is replaced with a semicolon, and points 11 and 12 are added, reading as follows:

“11) issuance of the permit prevents or seriously impedes achievement of the climate goal or climate change adaptation, unless issuance of the permit is necessary for the protection of human health or life, or for the protection of the national economy from severe losses, or for other particularly vital public interest;

12) operation of the installation causes or threatens to exceed the national emission ceiling.”;

7) in Article 195 section 1 point 5, the full stop is replaced with a semicolon, and point 6 is added, reading as follows:

“6) it is necessary to ensure that the climate goal is achieved.”.

**Article 45.** The Act of 30 August 2002 – Law on Proceedings before Administrative Courts (Journal of Laws of 2023, item 259) is hereby amended as follows:

1) in Article 33, after § 1b, § 1c is added, reading as follows:

“§ 1c. The provisions of § 1a and § 1b do not apply to an environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments.”;

2) in Article 64b, § 3 shall read as follows:

“§ 3. The provision of Article 33 does not apply in proceedings initiated by an objection to a decision other than one issued in proceedings requiring public participation.”

3) in Article 264, § 2 shall read as follows:

“The resolutions referred to in Article 15 § 1 point 2 are adopted by the Supreme Administrative Court at the request of the President of the Supreme Administrative Court, the General Prosecutor, the State Treasury Solicitor’s Office, the Human Rights Defender, the Ombudsman for Small and Medium-Sized Enterprises, the Ombudsman for Children, the Climate Protection Council, and the resolutions referred to in Article 15 § 1 point 3 are adopted on the basis of a decision of the adjudicating panel.”.

**Article 46.** The Act of 27 March 2003 on spatial planning and development (Journal of Laws of 2022, items 503, 1846, 2185 and 2747) is hereby amended as follows:

1) in Article 1 section 2 point 13, the full stop is replaced with a semicolon, and point 14 is added, reading as follows:

“14) climate protection requirements, including in particular those related to the achievement of the climate goal and climate change adaptation, as referred to in the Act of ... on climate protection (Journal of Laws, item ...).”;

2) in Article 10 section 1, point 3 shall read as follows:

“3) the state of the environment, including the state of agricultural and forestry production space, the size and quality of water resources and the requirements for the protection of the environment, nature and landscape, including the cultural landscape, as well as the state of the climate, including, in particular, taking into account the need to contribute to the achievement of the climate goals referred to in the Act of ... on climate protection (Journal of Laws, item ...) and to maintain consistency with the adaptation plans in force in the study area”

3) in Article 15 in section 2, after point 3a, point 3b is hereby added, reading as follows:



“3b) principles of climate protection;”;

4) under Article 39, paragraph 3, the introduction to the list shall read as follows:

“The voivodeship spatial development plan takes into account the findings of the voivodeship development strategy, the findings of the voivodeship adaptation plan referred to in the Act of ... on climate protection (Journal of Laws, item ...), the recommendations and conclusions of the landscape audit, and the need to contribute to the achievement of climate goals specified in the Act of ... on climate protection (Journal of Laws, item ...), and specifies in particular:”;

5) in Article 52 section 2 point 2, the letter c shall read as follows:

“c) determination of the characteristic technical parameters of the investment and data that represent its impact on the environment, including the data necessary to carry out the climate verification referred to in Article 9 of the Act of ... on climate protection (Journal of Laws, item ...), if the investment may significantly affect the achievement of the climate goal or climate change adaptation;”;

6) in Article 53 section 3 point 2, the full stop is replaced with a semicolon, and point 3 is added, reading as follows:

“3) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

7) in Article 54 point 2, letter b shall read as follows:

“b) protection of the environment, including climate and human health, as well as cultural heritage and historical monuments and contemporary cultural assets,”.

**Article 47.** The Act of 3 October 2008 on sharing information on the environment and its protection, public participation in environmental protection, and environmental impact assessments (Journal of Laws of 2022, items 1029, 1260, 1261, 1783, 1846, 2185 and 2687, and of 2023, item 595 are amended as follows:

1) in Article 3 in section 1, after point 1, point 1a is hereby added, reading as follows:

“1a) climate goal – means the climate goal referred to in the Act of ... on climate protection (Journal of Laws ..., item ...);”;

2) in Article 44, section 5 is added, reading as follows:

“5. The powers referred to in sections 1–4 are vested in the environmental organizations referred to in section 1 also with respect to the environmental permit stating that there is no need to carry out an environmental impact assessment of the project.”;

3) in Article 47, section 1 shall read as follows:

“1. A strategic environmental impact assessment is also required for a draft document other than those listed in Article 46 section 1 and for a draft amendment to such a document, if, in consultation with the competent body referred to in Article 57, the drafting body determines that the implementation of the provisions of a given document or amendment thereto may have a significant impact on the achievement of the climate goal or climate change adaptation.”;

4) section 5 in Article 48 shall read as follows:

“5. When applying for an agreement to waive the strategic environmental impact assessment, the body drafting a document referred to in Article 46 section 1 points 1 and 2, and a draft amendment to the document referred to in Article 46 section 1, submits information on the conditions referred to in Article 49 and the results of the climate verification, if it was required to be completed in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

5) in Article 49 point 3, the full stop is replaced with a semicolon, and point 4 is added, reading as follows:

“4) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

6) in Article 51 section 2 point 1, after letter d, da is added, reading as follows:

“da) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

7) in Article 55 section 3 point 5, the full stop is replaced with a semicolon, and point 6 is added, reading as follows:

“6) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

8) in Article 62 section 1 point 1 letter e, the semicolon is replaced with a comma, and letter f is added, reading as follows:

“f) the feasibility of achieving the climate goal and climate change adaptation;”;

9) in Article 62a, section 3 is added, reading as follows:

“3. The information sheet about the project should be accompanied by the data necessary to carry out the climate verification referred to in Article 9 of the Act of ... on climate protection (Journal of Laws, item ...), if the investment may significantly affect the achievement of the climate goal or climate change adaptation.”;

10) in Article 63 section 1 point 3, the full stop is replaced with a semicolon, and point 4 is added, reading as follows:

“4) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

11) in Article 63 section 3 point 2, the full stop is replaced with a semicolon, and point 3 is added, reading as follows:

“3) the results of the climate verification show that the implementation of the project may jeopardize the achievement of the climate goal and climate change adaptation, or has the potential to cause serious disruption to the achievement of environmental goals within the meaning of Article 8 of the Act of ... on climate protection (Journal of Laws, item ...).”;

12) in Article 64 section 2 point 3, the full stop is replaced with a semicolon, and point 4 is added, reading as follows:

“4) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

13) in Article 66 section 1, point 6 shall read as follows:

“6) determination of the anticipated environmental impact of the analysed variants, including if there is a major industrial accident or a natural and construction disaster, including greenhouse gas emissions and impacts relevant to climate change adaptation and the achievement of the climate goal, as well as possible cross-border environmental impact, and if it concerns a road that is part of the trans-European road network, then also the impact of the planned road on road safety;”;

14) in Article 70 section 2 point 2, the full stop is replaced with a semicolon, and point 3 is added, reading as follows:

“3) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

15) in Article 74 section 1 point 8, the full stop is replaced with a semicolon, and point 9 is added, reading as follows:

“9) “the data necessary for carrying out the climate verification referred to in Article 9 of the Act of ... on climate protection (Journal of Laws, item ...), if the investment may significantly affect the achievement of the climate goal or climate change adaptation.”;

16) in Article 74, section 3a is repealed;

17) in Article 77 section 2 point 3, the full stop is replaced with a semicolon, and point 4 is added, reading as follows:

“4) the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”;

18) in Article 81, section 4 is added, reading as follows:

“4. If the environmental impact assessment of a project shows that the project will prevent or seriously impede achievement of the climate goal or climate change adaptation, the body competent to issue an environmental permit refuses to approve the project, unless it is necessary for the protection of human health or life, or for the protection of the national economy from severe losses, or for other particularly vital public interest.”;

19) in Article 85 section 2 point 1 letter b, the fourth indent is added, reading as follows:

“– the results of climate verification, if it was required to be carried out in accordance with Article 9 of the Act of ... on climate protection (Journal of Laws, item ...).”.

**Article 48.** In the Act of 23 January 2009 on the voivodeship governor and government administration in the voivodeship (Journal of Laws of 2023, item 190) Article 63 shall read as follows:

“Article 63. 1. Anyone whose legal interest or powers are affected by a provision of a local law issued by the voivodeship governor or a body of a non-departmental government administration in a matter of public administration, may appeal the provision to an administrative court.

2. An environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, on public participation in environmental protection, and on environmental impact assessments may appeal the environmental provision to an administrative court, including with regard to climate, regardless of whether it is related to its legal interest or power.

3. The provisions of sections 1 and 2 do not apply if an administrative court has already ruled on the case and dismissed the complaint.”

**Article 49.** The Act of 17 July 2009 on the management system of emissions of greenhouse gases and other substances (Journal of Laws of 2021, item 1047, and of 2022, item 673) is hereby amended as follows:

1) in Article 1 section 1, point 3 shall read as follows:

“3) rules for managing emissions of greenhouse gases and other substances, including rules for reducing greenhouse gas emissions by setting national and sectoral emission budgets;”;

2) in Article 2:

a) the existing point 3a is renumbered as point 3b, and point 3a is added, reading as follows:

“3a) climate goal – means the climate goal referred to in the Act of ... on climate protection (Journal of Laws, item ...);”;

b) after point 14a, point 14b is hereby added, reading as follows:

“14b) the Council – means the Climate Protection Council referred to in the Act of ... on climate protection (Journal of Laws, item ...);”;

c) point 17 shall read as follows:

“17) national emission ceiling – means the lowest maximum amount of emissions, including emissions of greenhouse gases referred to in Appendix 1 to the Act, that may be emitted on the territory of the Republic of Poland in a given accounting period, resulting from the National Emission Budget, the provisions of international law or the provisions of European Union law;”;

d) after point 17, points 17a and 17b are hereby added, reading as follows:

“17a) national greenhouse gas emission ceiling – means the lowest maximum amount of emissions of greenhouse gases referred to in Appendix 1 to the Act, that may be emitted on the territory of the Republic of Poland in a given accounting period, resulting from the National emission budget, the provisions of international law or the provisions of European Union law;

17b) climate neutrality – means the equilibrium of emissions and sinking of greenhouse gases referred to in Appendix 1 to the Act on the territory of the Republic of Poland in a given calendar year;”;

e) point 18 shall read as follows:

“18) accounting period – means the time span during which emissions are determined in order to obtain the information necessary to support activities aimed at fulfilling the international obligations of the Republic of Poland to reduce emissions, or, in the case of the National Emission Budget and the Sectoral Emission Budget, the calendar year;”;

f) the existing point 24a is renumbered as point 24b, and point 24a is added, reading as follows:

“24a) the territory of the Republic of Poland – means the territory of the Polish state delimited by the state border within the meaning of the provisions on the protection of state borders;”;

3) after Article 14, Articles 14a–14d are hereby added, reading as follows:

“Article 14a. 1. The national greenhouse gas emission ceiling is determined by the National Emission Budget.

2. The National Emission Budget is determined:

- 1) for a period of five consecutive calendar years, with a separate specification of the individual calendar years within this five-year period;
- 2) for all greenhouse gases specified in Appendix 1 to the Act. Greenhouse gas emissions are expressed in the equivalent.

3. The National Emission Budget provides a gradual reduction in greenhouse gas emissions in such a way that it sets the national greenhouse gas emission ceiling for each

calendar year at a lower level than the national greenhouse gas emission ceiling for the preceding calendar year.

4. The National Centre develops a draft National Emission Budget in consultation in particular with the Minister of National Defence, the Minister competent for the economy, the Minister competent for climate, the Minister competent for agriculture, the Minister competent for the environment, the Minister competent for internal affairs and the Minister competent for state assets.

5. The National Centre submits a draft National Emission Budget to the Minister competent for climate at least 18 months before the expiry of the currently effective National Emission Budget.

6. In developing the draft National Emission Budget, the provisions of Article 34 of the Act of ... on climate protection (Journal of Laws, item ...) apply.

7. The Minister competent for climate agrees on the scope and manner for taking into account comments on the draft National Emission Budget, in particular with the Council, the Minister of National Defence, the Minister competent for the economy, the Minister competent for climate, the Minister competent for agriculture, the Minister competent for the environment, the Minister competent for internal affairs and the Minister competent for state assets.

8. The National Emission Budget is adopted by the Council of Ministers, by regulation at the request of the Minister competent for climate, guided by the need to achieve the climate goal, to permanently not exceed the national greenhouse gas emission ceiling in the future, and taking into account the social interest and the economic interests of the Republic of Poland and its obligations under European Union law and international agreements in the field of environmental protection.

9. The regulation referred to in section 8 is issued by the Council of Ministers within 12 months of the National Centre submitting the draft of the National Emission Budget to the Minister competent for climate.

Article 14b. 1. The National Emission Budget is updated when necessary, and every time the provisions of European Union law or international obligations come into force, under which Poland is obliged to make further reductions in greenhouse gas emissions or may emit a smaller amount of greenhouse gases relative to what was determined in the National Emission Budget.

2. An update to the National Emission Budget may not result in a relaxation of the requirements for the level of reduction of greenhouse gas emissions or the maximum allowable emission of a given greenhouse gas relative to the requirements set forth in the National Emission Budget for the immediately preceding accounting period, unless such relaxation is necessary for the protection of human health or life, for the protection of the national economy from severe losses, or for particularly vital public interest.

3. Article 14a applies accordingly to updating the National Emission Budget.

Article 14c. 1. Within 4 months of the National Emission Budget being issued by the Council of Ministers, the Minister competent for climate, in consultation with competent Ministers, including, in particular, the Ministers competent for energy, the economy, transportation, agriculture, construction, planning and spatial development, and housing, each of them within their respective competence, determines, by regulation, sectoral emission budgets, guided by the findings of the National Emission Budget and the need to ensure that greenhouse gas emissions are reduced in the manner established in the National Emission Budget, and that the national greenhouse gas emission ceiling is not exceeded in the future.

2. In developing the draft Sectoral Emission Budget, the provisions of Article 34 of the Act of ... on climate protection (Journal of Laws, item ...) apply.

3. The Minister competent for climate agrees on the scope and manner for taking into account comments on the draft Sectoral Emission Budget with the Minister competent for the sector for which the Sectoral Emission Budget is being developed.

4. The Sectoral Emission Budget is determined:

- 1) for the duration of the current National Emission Budget, with a separate specification of the individual calendar years within this period;
- 2) for all greenhouse gases specified in Appendix 1 to the Act. Greenhouse gas emissions are expressed in the equivalent;
- 3) for each sector of the economy, including, in particular, each sector of the economy listed in Article 9, section 1.

5. The Sectoral Emission Budget provides a gradual reduction in greenhouse gas emissions in a sector covered thereby, in such a way that it sets the sectoral greenhouse



gas emission ceiling for each calendar year at a lower level than the sectoral greenhouse gas emission ceiling for the immediately preceding calendar year.

Article 14d. 1. The Sectoral Emission Budget is updated when necessary, and it must be updated if the National Emission Budget is updated, unless the Sectoral Emission Budget in question is unaffected.

2. An update to the Sectoral Emission Budget may not result in a relaxation of the requirements for the level of greenhouse gas emissions reduction or the maximum allowable emission of a given greenhouse gas relative to the requirements set forth in the sectoral emission budget for the directly preceding settlement period, unless the relaxation is necessary for the protection of human health or life, for the protection of the national economy from severe losses, or for exceptionally important social interest.

3. Article 14c applies accordingly to updating the Sectoral Emission Budget.”

Article 14e. The Minister competent for climate shall determine, in the form of a regulation, the model National Emission Budget and the model Sectoral Emission Budget, taking into account the need to ensure that the National Emission Budget includes all greenhouse gases specified in Appendix 1 to the Act, and, in the case of sectoral emission budgets, all sectors of the economy.

4) Article 16a shall read as follows:

“Article 16a. 1. Subject to section 2, national emission reduction commitments mean the minimum reduction in national emissions of a particular substance to be achieved in the target calendar year, expressed as a percentage of the total amount of emissions of that substance released in 2005 as the reference year. National emission reduction commitments are set forth in Appendix 3 to the Act.

2. National greenhouse gas reduction commitments mean the minimum reduction in national greenhouse gas emissions to be achieved in the target calendar year, expressed as a percentage of the total amount of greenhouse gas emissions released in 1990 as the reference year. National greenhouse gas reduction commitments are determined by the National Emission Budget.

3. Government and local administration bodies, as well as natural and legal persons and unincorporated entities, are obliged to take actions to achieve national emission reduction commitments referred to in sections 1 and 2.

4. Failure to ensure the fulfilment of the national commitments referred to in sections 1 and 2 constitutes an unlawful omission in the exercise of official authority, as referred to in Article 417 of the Act of 23 April 1964 – Civil Code (Journal of Laws of 2021, item 2459, and of 2022, items 1360, 2337 and 2339).”;

5) after Article 16e, Article 16f and Article 16g are hereby added:

“Article 16f. 1. To ensure the achievement of the climate goals the National Centre is developing a draft National Greenhouse Gas Reduction Programme.

2. The National Greenhouse Gas Reduction Programme includes, at a minimum:

1) the national policy framework for greenhouse gas reduction, in particular:

- a) policy priorities and how they relate to priorities identified in other related policy areas, including agricultural, industrial and transportation policies,
- b) the obligations of public administration bodies, as defined by law, divided into national, regional (voivodeship) and local (poviat, commune) obligations, or other relevant entities regarding the implementation of the objectives of the National Greenhouse Gas Reduction Programme,
- c) the progress made under current policies and measures applied in the field of greenhouse gas emissions reduction, and the extent to which obligations resulting from the provisions of law are being fulfilled,
- d) predicted further developments in achieving the goals of the National Greenhouse Gas Reduction Programme, assuming no change in the policies and measures already adopted;

2) policy options under consideration for fulfilling the greenhouse gas reduction commitments in accordance with climate goals, the analysis of these options with the analysis method, as well as the individual or cumulative effects of strategies and measures for greenhouse gas reduction, and the associated uncertainty, where information on such effects is available;

3) the greenhouse gas emission reduction path defined as an indicative level of reduction in the volume of greenhouse gas emissions;

- 4) the measures and strategies that it has been decided to adopt, including a schedule for their adoption, implementation and review, with the identification of the responsible competent public administration bodies or other competent entities;
- 5) assessing how the selected strategies and measures ensure consistency with policies, strategies, programmes, plans and forecasts in other policy areas.

3. The National Centre, in developing the draft National Greenhouse Gas Reduction Programme, takes into account the need to ensure the consistency of the National Greenhouse Gas Reduction Programme with other policies, strategies, programmes, plans and forecasts adopted based on the requirements specified in the provisions of law, including, in particular, the need to ensure the achievement of the climate goal and the implementation of existing and planned emission budgets.

4. Public administration bodies provide the National Centre, if requested to do so, with information and opinions needed for drafting the National Greenhouse Gas Reduction Programme within 30 days of receiving such request.

5. The National Centre submits the draft National Greenhouse Gas Reduction Programme to the Minister competent for climate.

6. The Minister competent for climate agrees the draft National Greenhouse Gas Reduction Programme with members of the Council of Ministers.

7. The provisions of Article 34 of the Act of ... on climate protection (Journal of Laws, item ...) apply to drafting the National Greenhouse Gas Reduction Programme.

8. The Council of Ministers, at the request of the Minister competent for climate, accepts the National Greenhouse Gas Reduction Programme by resolution.

9. Updates to the National Greenhouse Gas Reduction Programme are made when necessary, and in any case at least once every 3 years, and also within 4 months of:

- 1) the National Emission Budget being approved;
- 2) an update to the National Emission Budget being approved;
- 3) the National Emission Reduction Plan being approved.

10. An update to the National Greenhouse Gas Reduction Programme includes the elements referred to in section 2, as well as:

- 1) assessment of progress in implementing the National Greenhouse Gas Reduction Programme;
- 2) any significant changes in policy and strategy and assumptions adopted, as well as significant changes in the schedule of implementing the National Greenhouse Gas Reduction Programme.

11. A report is prepared on the implementation of the National Greenhouse Gas Reduction Programme covering a period of 2 calendar years, as of December 31 of the year ending this period, hereinafter referred to as the "reporting period".

12. The report on the implementation of the National greenhouse gas reduction programme contains information on the implementation of the provisions of this programme.

13. The report on the implementation of the National Greenhouse Gas Reduction Programme is prepared and submitted to the Council of Ministers and to the Council by the Minister competent for climate, together with a report on the implementation of the National Adaptation Plan referred to in the Act of ... on climate protection (Journal of Laws, item ...). If the report on the implementation of the National Adaptation Plan is not prepared in a given year, the report on the implementation of the National Emission Reduction Programme is submitted within 6 months of the end of the reporting period.

14. Immediately upon receipt of the report, the Council publishes the report in the manner and form referred to in Article 33 section 1 of the Act of ... on climate protection (Journal of Laws, item ...). The report on the implementation of the National Emission Reduction Programme is made public upon its submission to the Council.

15. The provisions of the Act of December 6, 2006 on rules of development policy (Journal of Laws of 2023, items 225 and 412) do not apply to the National Greenhouse Gas Reduction Programme

16. The Minister competent for climate shall specify, in the form of a regulation, the model National Greenhouse Gas Reduction Programme, and the model report on the implementation of the National Greenhouse Gas Reduction Programme, considering the need to ensure their consistency, completeness and clarity.

Article 16g. 1. The Council's opinion is mandatory for the draft:

- 1) National and Sectoral Emission Budget;

- 2) National and Sectoral Emission Reduction Plan;
- 3) National Air Pollution Reduction Programme;
- 4) National Greenhouse Gas Reduction Programme.

2. Draft:

- 1) National Emission Budget;
- 2) National Emission Reduction Plan;
- 3) National Air Pollution Reduction Programme;
- 4) National Greenhouse Gas Reduction Programme

– is submitted to the Council upon its submission by the National Centre to the Minister competent for climate.

3. The draft Sectoral Emission Budget and Sectoral Emission Reduction Plan are submitted to the Council no later than one month after the Council of Ministers issues a regulation introducing the National Emission Budget or the National Emission Reduction plan, respectively.

4. The Council issues an opinion immediately, no later than 2 months after the draft act in question is provided to it. In the opinion, the Council specifically proposes amendments for achieving the climate goal.

5. The Council's opinion is submitted to the National Centre, the Minister competent for climate, and the Council of Ministers, and is made public. If the amendments proposed by the Council are not taken into account in whole or in part by the body issuing the act in question, this body, together with the issuance of the act in question, publishes, in the manner and form referred to in Article 33 section 1 of the Act of ... on climate protection (Journal of Laws, item ...), detailed reasons why the amendments proposed by the Council have not been taken into account.

6. The provisions of sections 1–5 apply accordingly to the updating of the acts listed therein.";

- 6) in Article 21a, section 2, the introduction to the enumeration shall read as follows:

2. The strategy for the management of the national greenhouse gas emissions cap is in accordance with the climate goal, National and Sectoral Emission Budgets and the

National Greenhouse Gas Reduction Programme, and includes, in particular, assumptions and guidelines for the methodology of accounting and forecasting of non-ETS greenhouse gas emissions, taking into account:”.

**Article 50.** In the Act of 27 August 2009 on public finance (Journal of Laws of 2022, items 1634, 1692, 1747, 1079, 1768, 1725, 1964 and 2414, and of 2023, item 412), Article 139 section 2 shall read as follows:

“2. The Minister of Finance includes in the draft budget law, the income and expenditures of the Chancellery of the Sejm, the Chancellery of the Senate, the Chancellery of the President of the Republic of Poland, the Constitutional Court, the Supreme Audit Office, the Supreme Court, the Supreme Administrative Court together with the voivodeship administrative courts, the National Council of the Judiciary, common judiciary, the Human Rights Defender, the Ombudsman for Children, the National Broadcasting Council, the President of the Office for Personal Data Protection, the Institute of National Remembrance - Commission for the Prosecution of Crimes against the Polish Nation, the National Election Office, the State Labour Inspectorate and the Climate Protection Council.”.

**Article 51.** In the Act of 30 November 2016 on the organisation of the Constitutional Court and the form of proceedings before the Constitutional Court (Journal of Laws of 2019, item 2393), in Article 42 point 12, the full stop is replaced with a semicolon, and point 13 is hereby added, reading as follows:

“13) an environmental organisation within the meaning of the provisions on sharing information on the environment and its protection, public participation in environmental protection, and on environmental impact assessments, if it has notified that it will take part in the proceedings initiated following a petition from the General Prosecutor or the Human Rights Defender drawn up as a result of a petition filed by that environmental organisation under Article 36 of the Act of ... on climate protection (Journal of Laws, item ...).”.

**Article 52.** In the Act of 8 December 2017 on the Supreme Court (Journal of Laws of 2021, item 1904, of 2022, items 480, 1259, 2280, and of 2023, item 181), Article 83 § 2 shall read as follows:

“§ 2. The petition referred to in § 1 may also be filed by the General Prosecutor, the Human Rights Defender and, within the scope of their competence, the President of

the General Prosecutor's Office of the Republic of Poland, the Ombudsman for Children, the Ombudsman for Patients' Rights, the Chairman of the Social Dialogue Council, the Chairman of the Financial Supervision Authority, the Financial Ombudsman, the Ombudsman for Small and Medium-Sized Enterprises, and the Climate Protection Council.”

## Chapter 9

### **Adapting provisions, transitional provisions and final provision**

**Article 53. 1.** The Minister competent for climate, within 14 days of this provision coming into force, appoints a representative for the organisation of the Climate Protection Council, hereinafter referred to as the “representative”.

2. The representative's salary is payable from the part of the state budget administered by the Minister competent for climate.

3. When appointing the representative, the Minister competent for climate shall determine the scope of the representative’s tasks and the deadlines for their implementation.

4. The representative is obliged to carry out tasks aimed at the correct and timely formation of the Climate Protection Council, in particular:

- 1) providing the headquarters of the Climate Protection Council Office;
- 2) employment of personnel of the Climate Protection Council Office;
- 3) establishing temporary rules for the Climate Protection Council and the Climate Protection Council Office, effective until the date of their establishment in accordance with the procedure provided in the Act;
- 4) taking other legal actions and activities to ensure the operation of the Climate Protection Council as soon as the Act comes into force.

5. The representative shall transfer the documentation necessary for performing the tasks specified in the Act to the office providing support to the Minister competent for climate at the latest on the day the Act comes into force.

**Article 54. 1.** The authorised entities appoint members of the Climate Protection Council by the day the Act comes into force at the latest.

2. The first meeting of the Climate Protection Council is convened by the President of the Republic of Poland who appoints a person to lead the work of the Council until a Chairman is elected.

**Article 55.** The minister competent for climate, within two months of this provision coming into force, issues the regulations referred to in:

- 1) Article 18 of the Act;
- 2) Article 14e of the Act amended by Article 49 of the Act;
- 3) Article 16f section 16 of the Act amended by Article 49 of the Act.

**Article 56.** 1. Within 6 months of the Act coming into force, the National Centre prepares the draft National Emission Budget covering the period up to the end of 2025, and covering the period from the beginning of 2026 to the end of 2030.

2. The Council of Ministers adopts the National Emission Budget no later than 6 months from the date of submission of the draft by the National Centre.

3. Within 18 months of the Act coming into force, the National Centre prepares the draft National Emission Budget covering the period from the beginning of 2031 to the end of 2035.

**Article 57.** Within 6 months of the Act coming into force, the National Centre develops the National Greenhouse Gas Reduction Programme, and within 12 months of the Act coming into force, this programme is adopted by the Council of Ministers, ensuring its consistency with the National Emission Budget.

**Article 58.** 1. The Council of Ministers adopts the National Adaptation Plan within 12 months of the Act coming into force.

2. Within 6 months of the National Adaptation Plan referred to in section 1 being adopted, the voivodeship board develops a Voivodeship Adaptation Plan, and within 3 months of this plan being submitted to the voivodeship assembly, the plan is adopted by the voivodeship assembly.

3. Within 6 months of the Voivodeship Adaptation Plan referred to in section 2 being adopted, the commune head develops a Commune Adaptation Plan, and within 3 months of this plan being submitted to the commune council, the plan is enacted by the commune council.



4. Article 15 of the Act shall apply *mutatis mutandis* to the development and adoption of the National Adaptation Plan, Voivodeship Adaptation Plans, and Commune Adaptation Plans under this Article.

**Article 59.** The existing provisions apply to cases initiated and not concluded prior to the Act coming into force.

**Article 60.** The Act comes into force after a lapse of 3 months from the date of promulgation, except for Article 53, Article 54 and Article 55, which come into force after a lapse of 14 days from the date of promulgation.